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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,353

03/30/2004

Joseph Barmakian

BAR5

4993

7590

10/03/2006

Law Office of Thomas L. Adams
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EXAMINER

WOO, ISAAC M

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,353

Applicant(s)

BARMAKIAN, JOSEPH

Examiner

Isaac M. Woo

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-35 is/are rejected.
- 7) ☒ Claim(s) 19 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is response to the application filed, on March 30, 2004. Claims 1-36 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 and 20-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Tritch et al (U.S. Pub. No. 2003/0040939, hereinafter, "Tritch").

With respect to claims 1 and 20, Tritch teaches on the initiative of a service provider, registering and storing information about the service provider (i.e., living will declaration fig. 4, page 4, section 0035) on the database (i.e., 20 in fig. 1, page 2, section 0023) in anticipation of future creation of advance directives (i.e., fig. 4, page sections 0014, 0023) that will come into at least the temporary possession of the service provider (page, sections 0023--000031); storing on the database information supplied

by the service provider about a person and the person's advance directive (page 3, sections 00-23-0024); and automatically transmitting upon request by the service provider information about one or more advance directives that were stored in the database by the service provider (page 1, sections 0008-0012, page 3, sections 0029-0030).

With respect to claim 2, Tritch teaches granting a request for automatic transmission of information about a specific advance directive made by a requester other than the service provider that supplied information about that specific advance directive if the requester has been previously recorded in the database as being a qualified member of a predefined common network that includes the requester and the service provider (page 2, section 0015).

With respect to claims 3 and 22, Tritch teaches prerecording in the database, classifications for members of the predefined network, the step of granting a request if the requester is part of the predefined network being performed by determining if the requester is classified in the database as qualified to have requests for advance directives granted (page 2, section 0015).

With respect to claims 4 and 23, Tritch teaches listing members of the predefined network in the database with a class designation signifying individualized membership privileges, the privileges being settable to include: (a) obtaining advance directives; and

(b) recording advance directives in the database (page 2, section 0015, page 1, sections 0008-0012).

With respect to claims 5 and 24, Tritch teaches creating reports on activity in, or status of, the predefined network; and access to advance directives stored by members in a predetermined group of class designations (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 6, Tritch teaches obtaining authorization from a registrant to store and release information about an advance directive executed by the registrant to a specified class of entities; and storing on the database information supplied by the registrant about the registrant's advance directive; and granting a request from one of the specified class of entities for automatic transmission of information about the registrant's advance directive (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 7, Tritch teaches providing to the person, through the service provider, information about advance directives; and obtaining possession of the advance directive from the person before performing the step of storing on the database information supplied by the service provider about the person and the person's advance directive (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 8, Tritch teaches providing to the person, through the service provider, information about advance directives; and obtaining possession of the advance directive from the person before performing the step of storing on the database information supplied by the service provider about the person and the person's advance directive (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 9, Tritch teaches downloading information from the database over a global network (page 3, section 0030).

With respect to claims 10 and 27, Tritch teaches downloading information from the database over a global network; or (b) facsimile transmission of information from the database over a telephone network (page 3, sections 0026-0030).

With respect to claims 11 and 28, Tritch teaches prerecording on the database a facsimile telephone number associated with the service provider to be used when transmitting information from the database to the service provider (page 3, sections 0026-0030).

With respect to claims 12 and 29, Tritch teaches over a global network using a browser, or over a telephone network using a telephone to respond to verbal prompts sent by the communications system (page 3, sections 0026-0030).

With respect to claim 13, Tritch teaches scanning the person's advance directive and storing a digital image produced thereby on the database (page 3, sections 0026-0030).

With respect to claim 14, Tritch teaches automatically transmitting upon request by a third party other than the service provider information about one or more advance directives that were stored in the database by the service provider, provided the identity of the third party is recorded in the database and provided such transmission is in accord with predetermined transmission rules (page 2, section 0015, page 1, sections 0008-0012).

With respect to claims 15 and 32, Tritch teaches prerecording in the database a roster of staff members of the service provider with a level designation signifying individualized authority levels, the authority levels being settable to include: obtaining advance directives, recording advance directives in the database, and creating status and activity reports from information in the database (page 2, section 0015, page 1, sections 0008-0012).

With respect to claims 16 and 33, Tritch teaches granting a request for automatic transmission of information about a specific advance directive made by a requester other than the service provider that supplied information about that specific advance directive if the specific advance directive has been recorded with a notation signifying

that an applicable jurisdiction requires release of the specific advance directive in response to properly made requests (page 2, section 0015, page 1, sections 0008-0012).

With respect to claims 17 and 34, Tritch teaches granting a request for automatic transmission of information about a specific advance directive made by a requester other than the service provider that supplied information about that specific advance directive if the specific advance directive has been recorded with a notation signifying that an applicable jurisdiction requires release of the specific advance directive in response to properly made requests, or the requester has been previously recorded in the database as being a qualified member of a predefined common network that includes the requester and the service provider (page 2, section 0015, page 1, sections 0008-0012).

With respect to claims 18 and 35, Tritch teaches in instances where the requester will be denied automatic transmission of information about the specific advance directive, notifying the requester of the existence in the database of information about the specific advance directive and how to obtain information about it (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 21, Tritch teaches the communications system being operable to automatically transmit information about a specific advance directive made

by a requester other than the service provider that supplied information about that specific advance directive if the requester and the service provider are members of the predefined common network, with the requester having been previously recorded in the database as a qualified one of the members of the predefined common network (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 25, Tritch teaches the database has some of its records marked to signify open access to health care providers, the communications system being operable in response to a request from a health care provider to automatically transmit information about advance directives marked for open access (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 26, Tritch teaches communications system is operable to download from the database onto a global network information requested by the service provider (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 30, Tritch teaches database is arranged to store scanned digital images of the person's advance directive (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 31, Tritch teaches the database is arranged to store the identity of one or more third parties, the communications system being operable to

Art Unit: 2166

automatically transmit upon request by one of the third parties other than the service provider information about one or more advance directives that were stored in the database by the service provider, provided the identity of the third party is recorded in the database and provided such transmission is in accord with predetermined transmission rules stored on the database (page 2, section 0015, page 1, sections 0008-0012).

With respect to claim 33, Tritch teaches the database is arranged to store the identity of one or more third parties, the communications system being operable to automatically transmit upon request by one of the third parties other than the service provider information about one or more advance directives that were stored in the database by the service provider, provided the identity of the third party is recorded in the database and provided such transmission is in accord with predetermined transmission rules stored on the database (page 2, section 0015, page 1, sections 0008-0012).

Allowable Subject Matter


4. Claims 19 and 36 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Isaac Woo
September 14, 2006